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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

THE PEOPLE,

Plaintiff and Respondent,

v.

CODY TRUONG,

Defendant and Appellant.

D077154

(Super. Ct. Nos. SCD279053,
SCD284235)

APPEAL from a judgment of the Superior Court of San Diego County,
Laura W. Halgren, Judge. Affirmed.

Shaghayegh Dinata-Hanson, under appointment by the Court of
Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Cody Truong entered into a plea agreement with a stipulated sentence
to resolve two criminal cases. After two separate evaluations of his mental
competence, Truong entered guilty pleas. Specifically, Truong pleaded guilty
to evading an officer with reckless driving (Veh. Code, § 2800.2, subd. (a);

count 1), resisting an executive officer (Pen. Code,¹ § 69; count 2), harm to a police animal (§ 600, subd. (a); count 6), unlawful taking and driving a vehicle (Veh. Code, § 10851, subd. (a); count 8), and felony vandalism (§ 594, subd. (a)(b)(1), case No. SCD284235). Truong was sentenced to a total term of four years in prison for the two cases.

Truong's motion to withdraw his guilty pleas and his *Marsden*² motion were denied.

Truong filed a timely notice of appeal and obtained a certificate of probable cause (§ 1237.5).

Appellate counsel has filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*) indicating counsel has not been able to identify any arguable issue for reversal on appeal. Counsel asks the court to review the record for error as mandated by *Wende*. We offered Truong the opportunity to file his own brief on appeal, but he has not responded.

STATEMENT OF FACTS

In case No. SCD279053, Truong stated he “resisted an officer lawfully performing duty by force or fear; evaded an officer [with] lights and sirens on and drove with willful and wanton disregard for public safety; injured police dog lawfully performing its duty; and drove a vehicle valued over \$950 [without] owner’s consent [and with] intent to deprive.”

In case No. SCD284235, Truong stated he maliciously damaged property of another causing damage over \$400.

¹ All further statutory references are to the Penal Code unless otherwise specified.

² *People v. Marsden* (1970) 2 Cal.3d 118.

DISCUSSION

As we have noted, appellate counsel has filed a *Wende* brief and requests this court review the record for error. To assist the court in its review, and in compliance with *Anders v. California* (1967) 386 U.S. 738 (*Anders*), counsel has identified the following possible issues, which were considered in evaluating the potential merits of this appeal:

1. Did the trial court err in finding Truong mentally competent to stand trial;
2. Did the court err in denying Truong's *Marsden* motion;
3. Did the court err in denying Truong's motion to withdraw his guilty plea; and
4. Did the court err in not complying with Penal Code section 1170, subdivision (h).

We have reviewed the entire record as required by *Wende* and *Anders*. We have not discovered any arguable issues for reversal on appeal. Competent counsel has represented Truong on this appeal.

DISPOSITION

The judgment is affirmed.

HUFFMAN, Acting P. J.

WE CONCUR:

HALLER, J.

GUERRERO, J.